

MESSAGE NO: 4074111 MESSAGE DATE: 03/15/1994

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: ORD-Order PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-351-820

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/08/1993 TO 08/15/1993

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING DUTY ORDER ON FERROSILICON FROM BRAZIL (A-351-820)

MESSAGE NO: 4074111

DATE: 03 15 1994

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CASES: A - 351 - 820

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PERIOD COVERED: 05 08 1993 TO 08 15 1993

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS  
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: ANTIDUMPING DUTY ORDER ON FERROSILICON FROM BRAZIL  
(A-351-820)

1. THE DEPARTMENT OF COMMERCE (DOC) HAS PUBLISHED IN THE FEDERAL REGISTER ON MARCH 14, 1994, NOTICE OF ITS ANTIDUMPING DUTY ORDER OF FERROSILICON FROM BRAZIL.

2. THE MERCHANDISE SUBJECT TO THIS ANTIDUMPING DUTY ORDER IS FERROSILICON, A FERROALLOY GENERALLY CONTAINING, BY WEIGHT, NOT LESS THAN FOUR PERCENT IRON, MORE THAN EIGHT PERCENT BUT NOT MORE THAN 96 PERCENT SILICON, NOT MORE THAN 10 PERCENT CHROMIUM, NOT MORE THAN 30 PERCENT MANGANESE, NOT MORE THAN THREE PERCENT PHOSPHOROUS, LESS THAN 2.75 PERCENT MAGNESIUM, AND NOT MORE THAN

10 PERCENT CALCIUM OR ANY OTHER ELEMENT.

FERROSILICON IS A FERROALLOY PRODUCED BY COMBINING SILICON AND IRON THROUGH SMELTING IN A SUBMERGED ARC FURNACE. FERROSILICON IS USED PRIMARILY AS AN ALLOYING AGENT IN THE PRODUCTION OF STEEL AND CAST IRON. IT IS ALSO USED IN THE STEEL INDUSTRY AS A DEOXIDIZER AND A REDUCING AGENT, AND BY CAST IRON PRODUCERS AS AN INOCULANT.

FERROSILICON IS DIFFERENTIATED BY SIZE AND BY GRADE. THE SIZES EXPRESS THE MAXIMUM AND MINIMUM DIMENSIONS OF THE LUMPS OF FERROSILICON FOUND IN A GIVEN SHIPMENT. FERROSILICON GRADES ARE DEFINED BY THE PERCENTAGES BY WEIGHT OF CONTAINED SILICON AND OTHER MINOR ELEMENTS. FERROSILICON IS MOST COMMONLY SOLD TO THE IRON AND STEEL INDUSTRIES IN STANDARD GRADES OF 75 PERCENT AND 50 PERCENT FERROSILICON.

CALCIUM SILICON, FERROCALCIUM SILICON, AND MAGNESIUM FERROSILICON ARE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THIS ORDER. CALCIUM SILICON IS AN ALLOY CONTAINING, BY WEIGHT, NOT MORE THAN FIVE PERCENT IRON, 60 TO 65 PERCENT SILICON AND 28 TO 32 PERCENT CALCIUM. FERROCALCIUM SILICON IS A FERROALLOY CONTAINING BY WEIGHT NOT LESS THAN FOUR PERCENT IRON, 60 TO 65 PERCENT SILICON, AND MORE THAN 10 PERCENT CALCIUM. MAGNESIUM FERROSILICON IS A FERROALLOY CONTAINING, BY WEIGHT, NOT LESS THAN FOUR PERCENT IRON, NOT MORE THAN 55 PERCENT SILICON, AND NOT LESS THAN 2.75 PERCENT MAGNESIUM.

FERROSILICON IS CLASSIFIABLE UNDER THE FOLLOWING SUBHEADINGS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, AND 7202.29.0050. THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES. OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

FERROSILICON IN THE FORM OF SLAG IS INCLUDED WITHIN THE SCOPE OF THIS ORDER IF IT MEETS, GENERALLY, THE CHEMICAL CONTENT DEFINITION STATED ABOVE AND IS CAPABLE OF BEING USED AS FERROSILICON. FERROSILICON IS USED PRIMARILY AS AN ALLOY AGENT IN THE PRODUCTION OF STEEL AND CAST IRON. IT IS ALSO USED IN THE

STEEL INDUSTRY AS A DEOXIDIZER AND A REDUCING AGENT, AND BY CAST IRON PRODUCERS AS AN INOCULANT.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER: A-351-820. THIS NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF COMMERCE ONLY.

4. THE INTERNATIONAL TRADE COMMISSION (ITC) FOUND THAT A U.S. INDUSTRY IS MATERIALLY INJURED BY REASON OF IMPORTS OF FERROSILICON FROM BRAZIL THAT ARE SOLD IN THE UNITED STATES AT LESS THAN FAIR VALUE.

5. IN ITS FINAL DETERMINATION, DOC FOUND THAT CRITICAL CIRCUMSTANCES EXISTED WITH RESPECT TO EXPORTS FROM BRAZIL BY ITALMAGNESIO S.A. INDUSTRIA E COMERCIO (ITALMAGNESIO). HOWEVER, THE ITC NOTIFIED THE DEPARTMENT THAT RETROACTIVE ASSESSMENT OF ANTIDUMPING DUTIES WAS NOT NECESSARY TO PREVENT RECURRENCE OF MATERIAL INJURY FROM MASSIVE IMPORTS OVER A SHORT PERIOD. AS A RESULT OF THE ITC'S NEGATIVE CRITICAL CIRCUMSTANCES DETERMINATION, THE CUSTOMS SERVICE SHALL TERMINATE THE RETROACTIVE SUSPENSION OF LIQUIDATION AND RELEASE ANY BOND OR OTHER SECURITY AND REFUND ANY CASH DEPOSIT COLLECTED WITH RESPECT

TO ITALMAGNESIO'S FERROSILICON ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION PRIOR TO AUGUST 16, 1993.

6. THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF FERROSILICON FROM BRAZIL THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 16,

1993, THE DATE ON WHICH DOC PUBLISHED ITS PRELIMINARY DETERMINATION NOTICE IN THE FEDERAL REGISTER (58 FR 43323). IN ADDITION, ON OR AFTER MARCH 14, 1994, CUSTOMS OFFICERS SHALL REQUIRE, AT THE SAME TIME AS IMPORTERS WOULD NORMALLY DEPOSIT ESTIMATED DUTIES, THE FOLLOWING CASH DEPOSIT FOR THE SUBJECT MERCHANDISE.

MANUFACTURER/PRODUCER/	IDENTIFICATION	WEIGHTED-AVERAGE
EXPORTER	NUMBER	MARGIN PERCENTGAGE

COMPANHIA BRASILEIRA      A-351-820-001      15.53%  
CARBURETO DE CALCIO

ITALMAGNESIO S.A.      A-351-820-002      88.86%  
INDUSTRIA E COMERCIO

COMPANHIA FERROLIGAS MINAS      A-351-820-003      3.46%  
GERAIS

ALL OTHER EXPORTERS      A-351-820-000      35.95%

7. WITH REGARD TO THE TEMPORARY RESTRAINING ORDER GRANTED TO CBCC ON FEBRUARY 23, 1994, ON MARCH 8, 1994, THE COURT OF INTERNATIONAL TRADE TERMINATED THE TEMPORARY RESTRAINING ORDER, THUS PERMITTING THE COLLECTION OF CASH DEPOSITS FOR CBCC AT THE RATES NOTED HEREIN ABOVE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE TRADE COMPLIANCE DIVISION, ANTIDUMPING AND COUNTERVAILING DUTY DIVISION BRANCH BY E-MAIL TO ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT KIM HARDIN OF THE OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-0371.

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party